

Document No. \_\_\_\_\_  
**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
**CHAPTER 61**

Statutory Authority: S.C. Code Section 48-1-10 et seq.

*R.61-62.1, Definitions And General Requirements*

**Preamble:**

The United States Environmental Protection Agency (EPA) promulgated a final rule referred to as the Consolidated Emissions Reporting Rule (CERR) in the *Federal Register* on June 10, 2002 [67 FR 39602]. Pursuant to its authority under section 110 of Title I of the Clean Air Act (CAA), EPA has long required State Implementation Plans (SIPs) to provide for the submission by states to EPA of emission inventories containing information regarding the emissions of criteria pollutants and their precursors.

The purpose of the CERR is to simplify emissions reporting, establish new reporting requirements for PM<sub>2.5</sub> (fine particulate matter) and NH<sub>3</sub> (ammonia), and establish new requirements for the statewide reporting of area source and mobile source emissions.

R.61-62.1, *Definitions And General Requirements*, currently requires all facilities that are required to obtain a Title V permit from the Department to submit an emissions inventory every two years. The Department is revising these requirements in an effort to streamline the emissions inventory reporting process and to be consistent with the CERR. Accordingly, approximately 50 of the 335 current Title V sources (referred to as Type A sources) will be required to increase their emissions inventory reporting to an annual basis. However, the vast majority of new and existing Title V sources will realize a decrease in their reporting burden. The CERR requires approximately 80 of the 335 current Title V sources with fewer emissions (referred to as Type B sources) to report their emissions inventory every three years. This will reduce the reporting burden for these sources from every other year to every third year. For the remaining Title V sources, except those that emit significant hazardous air pollutants (HAPs), there will be an even greater decrease in the reporting burden. If these sources have submitted an initial inventory, no further reporting will be required. Those sources that emit significant HAPs will also realize a decrease in their reporting burden. Instead of submitting inventories every other year, they will be required to submit a summary of their HAP emissions every three years.

A Notice of drafting was published in the *State Register* on November 22, 2002. A second notice to extend the drafting period was published in the *State Register* on August 22, 2003.

**Discussion of Proposed Revisions:**

SECTION CITATION:	EXPLANATION OF CHANGE
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Section III	The entire section has been revised to incorporate the requirements of the CERR and to streamline the existing regulation.
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**Notice of Staff Informational Forum:**

Staff of the Department of Health and Environmental Control invite interested persons of the public to attend a staff-conducted informational forum to be held on November 25, 2003, at 10:00 a.m. on the second floor of the Aycock Building in room 2280 at the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. 29201.

Interested persons are also provided an opportunity to submit written comments to Frank Cramer, Division of Air Planning, Development and Outreach, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 pm on November 25, 2003. Comments received by the deadline will be submitted to the Board in a Summary of Public Comments and Department Responses.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Frank Cramer, Division of Air Planning, Development and Outreach, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201.

**Notice of Board Public Hearing and Opportunity for Public Comment Pursuant to S.C. Code Sections 1-23-111:**

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on December 11, 2003, to be held in Room 3420 (Board Room) of the Commissioner's Suite, third floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department 24 hours in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Frank Cramer, Division of Air Planning, Development and Outreach, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 pm on November 25, 2003. Comments received shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the public hearing.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Frank Cramer, Division of Air Planning, Development and Outreach, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201.

**Preliminary Fiscal Impact Statement:**

There will be no increased costs to the State or its political subdivisions.

**Statement of Need and Reasonableness:**

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11).

**DESCRIPTION OF REGULATION:**

Purpose: The proposed amendment will amend R.61-62.1, *Definitions and General Requirements*, to make the necessary revisions to be consistent with the new Federal emissions reporting requirements. In addition, the Department is proposing to revise existing State specific requirements to streamline the reporting process.

Legal Authority: The legal authority for R.61-62 is Sections 48-1-10 et seq., S.C. Code of Laws.

Plan for Implementation: The proposed amendments will take effect upon approval by the General Assembly and publication in the *State Register*. The proposed amendments will be implemented by providing the regulated community with copies of the regulation.

#### DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The United States Environmental Protection Agency (EPA) promulgated a final rule referred to as the Consolidated Emissions Reporting Rule (CERR) in the *Federal Register* on June 10, 2002 [67 FR 39602]. Pursuant to its authority under section 110 of Title I of the Clean Air Act (CAA), EPA has long required State Implementation Plans (SIPs) to provide for the submission by states to EPA of emission inventories containing information regarding the emissions of criteria pollutants and their precursors.

The purpose of the CERR is to simplify emissions reporting, establish new reporting requirements for PM<sub>2.5</sub> (fine particulate matter) and NH<sub>3</sub> (ammonia), and establish new requirements for the statewide reporting of area source and mobile source emissions.

R.61-62.1, *Definitions And General Requirements*, currently requires all facilities that are required to obtain a Title V permit from the Department to submit an emissions inventory every two years. The Department is revising these requirements in an effort to streamline the emissions inventory reporting process and to be consistent with the CERR. Accordingly, approximately 50 of the 354 current Title V sources (referred to as Type A sources) will be required to increase their emissions inventory reporting to an annual basis. However, the vast majority of new and existing Title V sources will realize a decrease in their reporting burden. The CERR requires approximately 80 of the 354 current Title V sources with fewer emissions (referred to as Type B sources) to report their emissions inventory every three years. This will reduce the reporting burden for these sources from every other year to every third year. For the remaining Title V sources, except those that emit significant hazardous air pollutants (HAPs), there will be an even greater decrease in the reporting burden. If these sources have submitted an initial inventory, no further reporting will be required. Those sources that emit significant HAPs will also realize a decrease in their reporting burden. Instead of submitting inventories every other year, they will be required to submit a summary of their HAP emissions every three years.

The Department believes that this approach is necessary and reasonable because staff currently spends a great deal of time processing emissions inventories from smaller sources that have fewer pollutants. This streamlined approach will allow staff to focus their efforts on the larger facilities which emit the greatest amount of criteria pollutants and their precursors.

#### DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions resulting from this proposed revision. The revision will allow the Department to streamline the emissions reporting process by focusing its efforts on large facilities that have the greatest impact on the inventory. This will result in a more efficient use of staff time and will allow staff more time to work on other emissions inventories like mobile sources. In addition, most of the regulated community will realize a decrease in their reporting burden.

Currently, the Department collects emissions inventories every other year from about 354 sources. The CERR will require sources with the greatest emissions to increase the frequency of their reporting from

every other year to annually. However, the majority of sources will realize a decrease in their reporting burden. The EPA has provided the estimated costs and benefits in the *Federal Register* notices that are cited in this regulation.

#### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the State or its political subdivisions. Refer to the above paragraph for cost estimates for the regulated community.

#### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

By implementing this rule, the Department will be able to more efficiently and effectively track emissions of criteria air pollutants and their precursors from large facilities in South Carolina and, thereby, more effectively protect public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED: none.

#### STATEMENT OF RATIONALE:

These revisions will streamline the emissions reporting process by enabling Department staff to make better use of their time. No new scientific studies or information precipitated the development of the proposed revisions. The bulk of these revisions are being made to comply with the Federal mandate. These revisions will change the reporting requirements for all facilities that are required to obtain a Title V permit issued by the Department. The Title V sources with the greatest emissions will realize an increase in their reporting burden from every other year to reporting on an annual basis. Also, they will be required to report additional pollutants. However, the majority of Title V sources will realize a decrease in their reporting burden. Some will only be required to report their emissions inventories every three years and still others will only be required to report an initial emissions inventory.

#### **Text of Proposed Amendment for Public Comment:**

**R.61-62.1, Section III will be revised to read as follows:**

**SOUTH CAROLINA  
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL  
AIR POLLUTION CONTROL REGULATIONS AND STANDARDS  
REGULATION NUMBER 62.1  
DEFINITIONS AND GENERAL REQUIREMENTS**

#### **SECTION III - EMISSIONS INVENTORY.**

##### **A. General**

Emissions inventory is a study or compilation of pollutant emissions. The purposes of emissions inventories are to locate air pollution sources, to define the type and size of sources, to define the type and

amount of emissions from each source, to determine pollutant frequency and duration, to determine the relative contributions to air pollution from classes of sources and of individual sources, and to determine the adequacy of regulations and standards.

## **B. Applicability**

### **1. The provisions of this Section shall apply to all stationary sources:**

- a. that are required to obtain a Title V permit as issued by the Department; or,
- b. that are located in a non-attainment area and required to have an air quality permit; or,
- c. that are significant sources of hazardous air pollutants (HAP) as defined by Section 112(b) of the Clean Air Act Amendments of 1990 (42 U.S.C. 7412(b)(1):
  - i. whose potential emissions of a single HAP is equal to or greater than 10 tpy (tons per year); or,
  - ii. whose potential emissions of a combination of HAPs is equal to or greater than 25 tpy.

## **C. Emissions Inventory Reporting Requirements**

### **1. Reporting frequencies for Type A, Type B, and Non-Attainment Area (NAA) Sources**

a. Type A Sources - Title V sources with actual annual emissions greater than or equal to any of the reporting thresholds listed for Type A Sources in Table 1 of this Section. Beginning with the effective date of this regulation, these sources will submit an emissions inventory by March 31 of every year for the previous calendar year.

b. Type B Sources - Title V sources with actual annual emissions greater than or equal to any of the reporting thresholds listed for Type B Sources in Table 1 of this Section. Beginning in 2006, these sources will submit emissions inventories every 3 years for the previous calendar year (The three year cycle for emissions inventories is a March 31, 2006 submittal for 2005 data, a March 31, 2009 submittal for 2008 data, a March 31, 2012 submittal for 2011 data, etc.).

c. NAA Sources - Sources located in a non-attainment area with actual annual emissions greater than or equal to any of the reporting thresholds listed for NAA Sources in Table 1 of this Section. Beginning in 2006, these sources that are not also Type A Sources will submit emissions inventories every 3 years for the previous calendar year (The three year cycle for emissions inventories is a March 31, 2006 submittal for 2005 data, a March 31, 2009 submittal for 2008 data, a March 31, 2012 submittal for 2011 data, etc.

<b>Table 1 - Minimum Point Source Reporting Thresholds by Pollutant (tpy<sup>1</sup>)</b>			
Pollutant	Annual cycle	Three-year cycle	
	Type A Sources <sup>2</sup>	Type B Sources <sup>2</sup>	NAA <sup>3</sup> Sources
SOx	≥2500	≥100	≥100
VOC	≥250	≥100	≥100 (moderate O <sub>3</sub> NAA )
			≥50 (serious O <sub>3</sub> NAA)
			≥25 (severe O <sub>3</sub> NAA)

<b>Table 1 - Minimum Point Source Reporting Thresholds by Pollutant (tpy<sup>1</sup>)</b>			
Pollutant	Annual cycle	Three-year cycle	
	Type A Sources <sup>2</sup>	Type B Sources <sup>2</sup>	NAA <sup>3</sup> Sources
			≥10 (extreme O <sub>3</sub> NAA)
NO <sub>x</sub>	≥2500	≥100	≥100 (all O <sub>3</sub> NAA)
CO	≥2500	≥1000	≥100 (all O <sub>3</sub> NAA)
			≥100 (all CO NAA)
Pb		≥5	≥5
PM <sub>10</sub>	≥250	≥100	≥100 (moderate PM <sub>10</sub> NAA)
			≥70 (serious PM <sub>10</sub> NAA)
PM <sub>2.5</sub>	≥250	≥100	≥100
NH <sub>3</sub>	≥250	≥100	≥100
<sup>1</sup> tpy = tons per year of actual emissions. <sup>2</sup> Type A Sources are a subset of the Type B Sources and are the larger emitting sources by pollutant. <sup>3</sup> NAA = Non-Attainment Area. Special point source reporting thresholds apply for certain pollutants by type of non-attainment area. The pollutants by non-attainment area are: Ozone: VOC, NO <sub>x</sub> , CO; Carbon Monoxide: CO; Particulate matter less than 10 microns: PM <sub>10</sub> .			

**Table 1 is incorporated into this Section as originally published in the Federal Register (67 FR 39602).**

**2. Reporting frequencies for all other applicable sources that do not meet the reporting thresholds listed in Table 1**

a. Title V sources that do not meet any of the reporting thresholds listed in Table 1 of this Section - Beginning with the effective date of this regulation, these sources will review their emissions inventories annually as described in paragraph C(3)(d) of this Section.

b. Sources that hold an air quality permit from the Department and are located in a non-attainment area that do not meet any of the reporting thresholds for NAA Sources listed in Table 1 of this Section - Beginning with the effective date of this regulation, these sources will review their emissions inventories annually as described in paragraph C(3)(d) of this Section.

c. Significant HAP Sources - Beginning in 2006, those Significant HAP Sources, as defined by Section 112(b) of the Clean Air Act Amendments of 1990 (42 U.S.C. 7412(b)(1)), who are not already submitting emissions inventories as Type A, Type B or NAA Sources will submit HAP emissions summaries every 3 years for the previous calendar year (The three year cycle for HAP emissions summaries is a 2006 submittal for 2005 data, a 2009 submittal for 2008 data, a 2012 submittal for 2011 data, etc.). HAP emissions summaries shall be submitted to the Department by March 31 following the year of emissions and are not considered emissions inventories. Information required in a HAP emission summary will include, but is not limited to the following:

- i. A summary sheet showing the facility wide emissions of each HAP emitted in excess of 200 lbs/yr;
- ii. Calculations for each HAP emitted in excess of 200 lbs/yr facility wide.

### 3. Other Requirements

a. Unless otherwise indicated, all emissions inventories shall be submitted to the Department by March 31 following the year of inventory. All applicable information will be recorded on the current form for reporting emissions data as provided by the Department. Emission estimates will be made for all regulated air pollutants including but not limited to air toxics and hazardous air pollutants as discussed in the instructions to the current form for reporting emissions data.

b. All newly constructed Title V sources and/or NAA sources will complete and submit to the Department an initial emissions inventory following the first full calendar year of operation. These sources shall then submit future emissions inventories on the schedule as described in paragraphs C(1) and C(2) of this Section.

c. Any existing sources that are newly identified as Title V sources and/or NAA sources will complete and submit to the Department an emissions inventory for the previous calendar year within 90 days of learning of applicability. These sources shall then submit future emissions inventories on the schedule as described in paragraphs C(1) and C(2) of this Section.

d. Except Type A Sources, the emissions inventory for all Title V sources and all sources located in a non-attainment area that are required to have an air quality permit shall be reviewed by the facility annually to ensure that source reporting thresholds found in Table 1 of this Section have not been exceeded. The source shall complete and submit to the Department an emissions inventory for the previous calendar year. If as a result of this review a source determines that,

i) it has changed from a Type B or NAA source to a Type A source, or

ii) its past emissions were less than Type B or NAA source reporting thresholds and has increased to Type A, Type B, or NAA source reporting thresholds. These sources shall then submit future emissions inventories on the schedule as described in paragraphs C(1) and C(2) of this Section.

e. Submittal of emissions inventories outside of the schedules in this Section will be accepted and reviewed only if a modification has occurred that required issuance of an air quality permit since the last emissions inventory submittal by the facility. This modification must alter the quantity or character of the sources emissions. These sources may submit a new emissions inventory following the first full calendar year of operation after the modification. These sources shall then submit future emissions inventories on the schedule described in paragraphs C(1) and C(2) of this Section.

f. Information required in an emissions inventory submittal to the Department will include, but is not limited to, the following:

- i. Information on fuel burning equipment;
- ii. Types and quantities of fuel used;
- iii. Fuel analysis;
- iv. Exhaust parameters;
- v. Control equipment information;
- vi. Raw process materials and quantities used;
- vii. Design, normal, and actual process rates;
- viii. Hours of operation;
- ix. Significant emission generating points or processes as discussed on the current form for reporting emissions data as provided by the Department;

x. Any desired information listed in 40 CFR 51, Subpart A (June 10, 2002) that is requested by the Department.

g. The requirements of this Section notwithstanding, an emissions inventory may be required from any source at any time in order to achieve the purposes identified at the beginning of this Section. To facilitate such a request all sources shall keep records relating to emissions inventories for 5 years.